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9

10 **UNITED STATES DISTRICT COURT**  
11 **DISTRICT OF NEVADA**  
12

13 MICHAEL HILL,

14 Plaintiff,

15 vs.

16 WELLS FARGO BANK, N.A., a foreign  
corporation; U.S. BANK NATIONAL  
17 ASSOCIATION, a foreign corporation; MTC  
FINANCIAL, INC. dba TRUSTEE CORPS, a  
foreign corporation; and DOES I through 10,  
18 and ROE CORPORATIONS 1 through 10,

19 Defendants.  
20

CASE NO.: 2:18-cv-01350-MMD-PAL

**~~PROPOSED~~ ORDER GRANTING IN  
PART AND DENYING IN PART  
WELLS FARGO BANK, N.A. AND U.S.  
BANK NATIONAL ASSOCIATION'S  
MOTION TO DISMISS (ECF NO. 5)  
AND GRANTING WELLS FARGO  
BANK, N.A. AND U.S. BANK  
NATIONAL ASSOCIATION'S  
REQUEST FOR JUDICIAL NOTICE  
(ECF NO. 6)**

21 Based upon review of the briefs, the Motion Hearing held on February 1, 2019 before the  
22 Honorable Miranda M. Du, the Minute Order entered by the Court on February 1, 2019 (ECF  
23 No. 45), and for the reasons set forth on the record and good cause appearing,

24 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that Wells Fargo Bank,  
25 N.A. ("Wells Fargo") and U.S. Bank National Association's ("U.S. Bank") Request for Judicial  
26 Notice, filed July 26, 2018 (ECF No. 6) is granted.

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1           **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that Wells Fargo and  
2 U.S. Bank's Motion to Dismiss, filed July 28, 2018 (ECF No. 5) is granted in part and denied in  
3 part.

4           **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that Plaintiff Michael  
5 Hill's ("Plaintiff") First Cause of Action for Breach of Contract is dismissed without prejudice  
6 with leave to amend within 21 days of February 1, 2019.

7           **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that Plaintiff's Second  
8 Cause of Action for Breach of the Implied Covenant of Good Faith and Fair Dealing, and Fifth  
9 Cause of Action for Violation of NRS 107.540 are dismissed without prejudice with leave to  
10 amend within 21 days of February 1, 2019.

11           **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that Plaintiff's Third  
12 Cause of Action of Breach of Fiduciary Duty against Wells Fargo, Fourth Cause of Action for  
13 Violation of the Nevada Foreclosure Mediation Rules, Sixth Cause of Action for Negligence,  
14 Negligent Hiring, Retention, and Supervision, Seventh Cause of Action for Economic Duress,  
15 and Eighth Cause of Action for Declaratory Relief are dismissed with prejudice.

16           **IT IS SO ORDERED.**

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18 MIRANDA M. DU, DISTRICT COURT JUDGE

19  
20 DATED: March 4, 2019

1 Respectfully submitted by:

2 SNELL & WILMER L.L.P.

3  
4 By: /s/ Holly E. Cheong  
Amy F. Sorenson, Esq.  
Erica J. Stutman, Esq.  
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3883 Howard Hughes Parkway, Suite 1100  
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7 *Attorneys for Wells Fargo Bank, N.A and*  
*U.S. Bank National Association*

8  
9 Approved as to form by:

10 DATED this 1st day of March, 2019.

DATED this 1st day of March, 2019.

11 By: /s/ Brandon J. Trout  
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12 Nevada Bar No. 4540  
Brandon J. Trout, Esq.  
13 Nevada Bar No. 13411  
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*Trustee Corps.*

**CERTIFICATE OF SERVICE**

I, the undersigned, declare under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in, this action. On this date, I caused to be served a true and correct copy of the foregoing **[PROPOSED] ORDER GRANTING IN PART AND DENYING IN PART WELLS FARGO BANK, N.A. AND U.S. BANK NATIONAL ASSOCIATION'S MOTION TO DISMISS (ECF NO. 5) AND GRANTING WELLS FARGO BANK, N.A. AND U.S. BANK NATIONAL ASSOCIATION'S REQUEST FOR JUDICIAL NOTICE (ECF NO. 6)** by the method indicated:

☐ U.S. Mail  
☐ U.S. Certified Mail  
☐ Facsimile Transmission  
☐ Overnight Mail  
☐ Federal Express  
☐ Hand Delivery  
☒ Electronic Filing

and addressed to the following:

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Dated: March 1, 2019

/s/ Maricris Williams

An Employee of Snell & Wilmer L.L.P.

4818-5791-0663